

SUMMARY OF ADR IN THE EEO PROCESS

Below is a brief summary of ADR in the EEO process. The ADR process is unique to each situation that arises but, in general, an employee can expect the following:

- Step 1: Contact EEO Office to request EEO counseling.
- Step 2: An assessment whether matter is appropriate for ADR is made by EEO Office.
- Step 3: If matter is appropriate for ADR, ADR will be offered and the ADR technique best suited for matter will be identified.
- Step 4: If ADR is accepted, all parties will be notified and a date, time and location will be established for the ADR session.
- Step 5: A highly trained third-party neutral will be assigned to the ADR session.
- Step 6: The ADR session occurs.
- Step 7: If parties reach a resolution, a settlement agreement will be developed.
- Step 8: All parties must comply with the terms agreed to in the settlement by the deadline specified.
- Step 9: If a settlement agreement is not reached, the EEO counselor will issue a Notice of Right to File a Formal Complaint Form.



WHEN IS ADR NOT THE BEST OPTION?

ADR may not be the best option when:

- A precedent is needed
- Significant questions of government policy are involved
- Consistency in the implementation of the policy is essential
- The matter significantly affects persons or groups who are not parties to the process
- A full public record of the proceedings is important
- The agency must maintain a high level of flexibility for an extended period of time
- The decision as to whether ADR is the best option for a given case rests with the EEO Office.



FOR MORE INFORMATION ON ADR,
PLEASE CONTACT:



FREQUENTLY ASKED QUESTIONS ABOUT

ALTERNATIVE DISPUTE RESOLUTION (ADR)

IN THE

EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROCESS



TREASURY SHARED NEUTRALS PROGRAM

WHAT IS ALTERNATIVE DISPUTE RESOLUTION (ADR)?

Alternative dispute resolution (ADR) is the use of various methods for resolving disputes other than litigation or formal administrative procedures. ADR includes a variety of processes designed to help people resolve their own disputes in creative, productive, and non-adversarial ways. Some common types of ADR methods are:

- informal discussions
- coaching
- mediation (most utilized form of ADR)
- conciliation
- facilitation
- arbitration
- early neutral evaluation

These procedures may be used separately or together, depending upon the situation. ADR techniques can help resolve disputes among two or more parties, a group, or an organization. By helping parties identify their interests, communicate more effectively, and explore creative solutions, ADR often leads to durable outcomes that satisfy each party's interest. Through this process, ADR can enhance, build, or re-build workplace relationships.

As a Treasury employee seeking equal employment opportunity (EEO) counseling, you may be offered the opportunity to participate in ADR. The EEO counselor will decide if ADR is appropriate, and which ADR technique is the best method to use. Once an employee has agreed to participate in ADR, an agreement documenting the process that will be used to try to resolve the dispute will be signed by all parties and a date, time, and location for ADR will be established.

Some bureaus offer ADR outside of the EEO process. In those cases, agreeing to use ADR to attempt to resolve a dispute generally does not prevent you from pursuing formal grievance or complaint avenues in cases where an agreement/resolution is not reached. However, those avenues do have deadlines that are unaffected by ADR attempts. Please contact your EEO Office for more information.

WHY CHOOSE TO PARTICIPATE IN ADR?

ADR provides a means of bringing together parties in conflict in a manner that emphasizes listening, improving communication, and finding compromise. All ADR discussions between parties are confidential (to the extent permitted by law). The majority of parties who participate in ADR find it fair, inexpensive, and useful in defusing workplace conflict. ADR relies on people working through their issues together rather than relying on a judge or administrator to formulate outcomes. Compared to litigation, the formal administrative EEO complaint process, or other adversarial approaches, ADR is:

- less time consuming
- less contentious
- less expensive

There is no cost to Treasury employees or offices that use ADR services provided by the Treasury Shared Neutrals Program, unless travel is required.

ADR is completely voluntary. However, once a Treasury employee has been offered and has opted to participate in ADR, Treasury policy requires a management official to participate. Please refer to your bureau's ADR Policy for information regarding how to request ADR, its procedures, and matters/issues that are appropriate for ADR.

You may identify a representative of your own choosing to accompany you to an ADR session, as long as there is no conflict of interest or position. A representative can be an attorney, a friend, or a technical expert who can provide you with assistance or advice during the mediation session. If you wish to be represented, it is your responsibility to complete a Designation of Representative and Limited Power of Attorney Form prior to the ADR session. The form can be obtained from the EEO Office or ADR Coordinator.

Any settlement reached through ADR is binding on all parties.

WHO ADMINISTERS THE ADR PROGRAM?

Each bureau administers its own ADR Program. The ADR Program is often a function of the EEO Office. The majority of neutrals assigned to assist in ADR matters within Treasury are provided through Treasury's Shared Neutrals (TSN) Program. The TSN Program was implemented in September 1998 and offers:

- a nationwide cadre of highly trained certified neutrals (also known as mediators)
- assistance in resolving all types of workplace disputes at the earliest stages of conflict through mediation, facilitation, and coaching

TSN mediators are accessible nation-wide within the Department. TSN mediators are employees from various organizations who are trained in the art of mediation, and who voluntarily serve in this capacity on a collateral-duty basis but must obtain certification status and maintain their skills through annual training and mediation participation. They come with diverse backgrounds in the workplace, which adds to the richness of skills they bring to the table during the mediation process.

Anyone who has a workplace conflict/problem may use the services of the TSN Program. This includes matters that are not related to the EEO process. Contact your bureau EEO Office for more information about the TSN Program.

